

REMARKS

I. Introduction

Claims 1 to 50, 56, and 57 are pending in the present application. In view of the foregoing amendments and the following remarks, it is respectfully submitted that all of the presently pending claims are allowable, and reconsideration is respectfully requested.

II. Rejection of Claims 17 to 20 and 42 to 47 Under 35 U.S.C. § 112

Claims 17 to 20 and 42 to 47 were rejected under 35 U.S.C. § 112, second paragraph, as allegedly indefinite. Applicants respectfully submit that claims 17 to 20 and 42 to 47 are sufficiently definite for at least the following reasons.

The Office Action contends that claims 17 to 20 fail to further limit or recite the seat as set forth in claims 1 to 16. However, claims 17 to 20 do not depend from claims 1 to 16 and, therefore, need not further limit or recite the seat.

Applicants have amended claim 42 without prejudice to recite that the seat is adapted to be mounted on a platform of the amusement apparatus configured to move on at least one track. Applicants respectfully submit that claim 42, as amended, and claims 43 to 47, which ultimately depend from claim 42, are sufficiently definite.

In view of the foregoing, withdrawal of this rejection is respectfully requested.

III. Rejection of Claims 1 to 6, 13 to 16, 21 to 31, 34, 38, 48 to 50, 56, and 57 Under 35 U.S.C. § 102(b)

Claims 1 to 6, 13 to 16, 21 to 31, 34, 38, 48 to 50, 56, and 57 were rejected under 35 U.S.C. § 102(b) as anticipated by PCT Published International Patent Application No. WO 2004/073818 ("WO '818"). Applicants respectfully submit that WO '818 does not qualify as prior art to the present application under 35 U.S.C. § 102(b), and therefore, does not anticipate the present claims.

WO '818 was published on September 2, 2004, i.e., after the December 3, 2003 filing date of the present application. Therefore, WO '818 does not constitute prior art against the present application under 35 U.S.C. § 102(b). Furthermore, WO '818 has an international filing date of February 18, 2004, which is after the December 3, 2003 filing date of the present application.

Therefore, withdrawal of this rejection is respectfully requested.

IV. Allowable Subject Matter

Applicants note with appreciation the indication of allowable subject matter contained in claims 7 to 12, 32, 33, 35 to 37, and 39 to 41. The Examiner will note that each of claims 7 to 11, 32, 33, 35 and 39 has been rewritten herein in independent form to include all of the limitations of its respective base claims and any intervening claims. Claim 10 depends from amended claim 9, claim 12 depends from amended claim 12, claims 36 and 37 depend from amended claim 35, and claims 40 and 41 depend from amended claim 39. It is therefore respectfully submitted that all of claims 7 to 12, 32, 33, 35 to 37, and 39 to 41 are in condition for immediate allowance.

V. Conclusion

Applicants respectfully submit that all of the pending claims of the present application are now in condition for allowance. Prompt reconsideration and allowance of the present application are therefore earnestly solicited.

Respectfully submitted,

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By: /Clifford A. Ulrich/
Clifford A. Ulrich
Reg. No. 42,194

KENYON & KENYON LLP
One Broadway
New York, New York 10004
(212) 425-7200
CUSTOMER NO. 26646